

Date: April 28, 2004 Planning Commission Meeting

Item No. **1.**

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Joseph J. Oliva III and
Dennis Carrington

Public Hearing: Yes: X No:

Notices mailed On: April 5, 2004 Published On: N/A Posted On: N/A

TITLE: BART Extension to Milpitas, San Jose and Santa Clara DEIS/DEIR

Proposal: Review City's comment letter on the DEIS/DEIR

Location: Union Pacific Railroad tracks

RECOMMENDATION: **Recommend that the City Council approve the attached Draft
comment letter on the DEIS/DEIR**

Applicant: Santa Clara Valley Transportation Authority (VTA)

Property Owner: Same as above

Previous Action(s): None

General Plan Designation: N/A

Present Zoning: N/A

Existing Land Use: Railroad

Agenda Sent To: N/A

Attachments:

- BART extension DEIS/DEIR comment letter executive summary dated April 23, 2004
- Draft comment letter from Mayor Esteves to Tom Fitzwater dated May 14, 2004
- Traffic Impact Analysis comments dated April 23, 2004
- City of Milpitas Montague/Capitol BART Station TOD Concept
- Noise and Vibration Impact Analysis comments dated April 23, 2004

BACKGROUND: See attached comment letter executive summary

ISSUES: See attached comment letter executive summary

RECOMMENDATION: Close the Public Hearing

Discuss the Draft comment letter on the BART Extension to Milpitas,
San Jose and Santa Clara DEIS/DEIR.

Recommend that the City Council approve the attached Draft comment
letter on the DEIR/DEIR.

BART Extension to Milpitas, San Jose and Santa Clara DEIS/DEIR Comment Letter

EXECUTIVE SUMMARY

Date: April 23, 2004

Background

On March 16th, 2004 the Santa Clara Valley Transportation Authority (VTA) released the BART Extension to Milpitas, San Jose and Santa Clara Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) for public review and comment. The public review period is for 60 days and ends May 14th, 2004. The VTA is also hosting several public hearings to solicit comments on the DEIS/DEIR. On April 19th, 2004, the VTA hosted a public hearing at Joseph Weller Elementary School in Milpitas at which approximately 35 people attended.

Discussion

Proposed extension. The 16.3 mile BART extension from Fremont through Milpitas and San Jose and terminating in Santa Clara consists of seven stations (plus the future South Calaveras Station). The cost of the project is approximately \$4.1 billion (in 2001 Dollars). The VTA has commenced preliminary engineering for the project, which could begin revenue service by 2014, depending on the availability of funding. The BART extension is estimated to accommodate approximately 83,000 transit riders of which 39,000 are new transit riders.

Alternatives. In addition to the full-build BART alternative, the DEIS/DEIR analyzed two other alternatives. The "No Action" alternative assumed only planned and programmed transit and highway projects under year 2025 conditions. The "Baseline" alternative added additional express bus routes to serve the transit corridor as well as other necessary supporting transit improvements.

Staff comments on DEIS/DEIR. City staff from Engineering, Planning, Transportation Planning, Fire, Police and the City Attorney's Office reviewed the DEIS/DEIR and have collaborated on a comment letter that will serve as the City's official response to the VTA. Staff has identified five major issues and has provided a brief summary of each below.

- **Land Use/ Montague Station Design, (City comment No. 21)**
The Montague station design should maximize Transit Oriented Development (TOD) opportunities to most effectively use the public's capital investment in the BART extension and to implement the City's Midtown Plan. Specific design issues and areas of concern are: (a) minimizing property acquisition, (b) providing compact station footprints, (c) encouraging pedestrian and bicycle travel, (d) providing an urban transit experience with a

plaza and transit-related retail, (e) providing aerial walkways to adjacent land uses to the southwest beyond the LRT and to the Great Mall, (f) optimizing the connection to the Great Mall with a walkway under Montague and a no-fee entry north of Montague if an aerial walkway is not constructed and (g) providing a bus transit center under the parking structure adjacent to Montague Expressway.

- **Dixon Landing Road Options**, (City comment Nos. 4 and 23)

Milpitas does not support the aerial option for the Dixon Landing Road alignment. The aerial option results in significant environmental impacts, including noise, vibration, and aesthetics, to residents and businesses in the area that cannot be mitigated. Additionally, the noise impacts of the above grade option would invalidate millions of dollars already invested by the City for soundwalls. Further analysis is needed to thoroughly evaluate the two non-aerial options.

- **Railroad Issues** (City comment Nos. 29 through 31)

Milpitas recommends that the Union Pacific spur line, located north of Montague Expressway, be abandoned rather than relocated as proposed in the DEIS/EIR. Abandonment of the spur line would significantly save project costs, avoid disruption to the public park and private properties, and support future development of surrounding properties.

Milpitas supports relocating the railroad turnaround ("wye") outside Milpitas. The proposed relocation north of Montague Expressway would negatively impact potential existing and future transit oriented development in the area.

- **Minimum Operating Segment (MOS)**, (City comment No. 2)

Significant parking impacts could occur at the Montague/Capitol station should the MOS still be in place past 2015. The DEIS/EIR states there will not be any parking impacts to the Capitol/Montague station in year 2015, because the station will be built to 2025 demand. A detailed year 2025 parking analysis under MOS conditions should be prepared analyzing "worst case" to verify that there will be adequate parking should the Berryessa Station be delayed beyond 2015.

- **Visual Quality and Aesthetics** (City comment No. 36)

The aerial option at Dixon Landing Road will have significant and unmitigable impacts on the aesthetics of the area and on views of Mission Peak and the Diablo Hills. Further analysis of these impacts needs to be provided.

In addition to the five major issues summarized above, City staff and their consultants provided comments on the following sections:

- Transportation and Transit

- Community Services and Facilities
- Hazardous Waste
- Land Use
- Noise
- Vibration
- Security and System Safety
- Socioeconomics
- Utilities
- Visual Quality and Aesthetics
- Water Resources, Water Quality and Floodplains
- Construction

Complete city responses corresponding to the five major issues and those sections above are found in the draft comment letter from Mayor Esteves to Tom Fitzwater of VTA.

Recommendation

- 1. Close the Public Hearing.**
- 2. Discuss the Draft comment letter on the BART Extension to Milpitas, San Jose and Santa Clara DEIS/DEIR**
- 3. Recommend that the City Council approve the attached Draft comment letter on the DEIS/DEIR.**

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May 14, 2004

Mr. Tom Fitzwater
VTA Environmental Planning Department
3331 North First Street, Bldg. B
San Jose, CA 95134-1927

Re: Draft Environmental Impact Statement/Environmental Impact Report
BART Extension to Milpitas, San Jose, and Santa Clara, CA

Dear Mr. Fitzwater,

Thank you for this opportunity to comment on the Draft Environmental Impact Statement and Environmental Impact Report (DEIS/EIR) for the proposed BART extension to Milpitas, San Jose and Santa Clara.

The proposed BART extension will significantly impact the character and services of the Milpitas community. With careful planning and analysis of impacts, the project is expected to be a significant enhancement for Milpitas and the Silicon Valley region.

Milpitas has dedicated substantial resources to prepare for the proposed BART extension. The Midtown Specific Plan provides the land uses, residential densities, and public improvements to encourage vibrant transit oriented development around the Montague Station. The Midtown Plan is in the implementation stage and is supported by considerable public and private investments, including significant redevelopment funds. The City created a station design alternative and will soon be initiating a transit area plan process for the station and surrounding area.

The Montague station will be the major multi-modal station of the extension with its connection to light rail and buses and close proximity to two major freeways. The station must be carefully designed to enhance and complement the surrounding land uses and transportation corridors. Negative impacts must be aggressively and creatively addressed in project design and funding.

Milpitas fully supports the development and operation of a second station located at the southwest quadrant of Calaveras and Milpitas Blvds. The DEIS/EIR should fully analyze the impacts of a second station located at the southwest quadrant of Calaveras and Milpitas Blvds. This will allow exploration of public/private partnership opportunities for this centrally located Milpitas station.

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The City of Milpitas has five major areas of concern regarding the DEIS/EIR:

- **Land Use/ Montague Station Design**, (City comment No. 21)
The Montague station design should maximize Transit Oriented Development (TOD) opportunities to most effectively use the public's capital investment in the BART extension and to implement the City's Midtown Plan. Specific design issues and areas of concern are: (a) minimizing property acquisition, (b) providing compact station footprints, (c) encouraging pedestrian and bicycle travel, (d) providing an urban transit experience with a plaza and transit-related retail, (e) providing aerial walkways to adjacent land uses to the southwest beyond the LRT and to the Great Mall, (f) optimizing the connection to the Great Mall with a walkway under Montague and a no-fee entry north of Montague if an aerial walkway is not constructed and (g) providing a bus transit center under the parking structure adjacent to Montague Expressway.
- **Dixon Landing Road Options**, (City comment Nos. 4 and 23)
Milpitas does not support the aerial option for the Dixon Landing Road alignment. The aerial option results in significant environmental impacts, including noise, vibration, and aesthetics, to residents and businesses in the area that cannot be mitigated. Additionally, the noise impacts of the aerial option would invalidate millions of dollars already invested by the City for soundwalls. Further analysis is needed to thoroughly evaluate the two non-aerial options. Given the information provided at this time, the City prefers the at-grade option with a design speed of 35 miles per hour if access to surrounding properties can be adequately addressed.
- **Railroad Issues** (City comment Nos. 29 through 31)
Milpitas recommends that the Union Pacific spur line, located north of Montague Expressway, be abandoned rather than relocated as proposed in the DEIS/EIR. Abandonment of the spur line would significantly reduce project costs, avoid disruption to the public park and private properties, and support future development of surrounding properties.

Milpitas supports relocating the railroad turnaround ("wye") outside Milpitas. The proposed relocation north of Montague Expressway would negatively impact potential existing and future transit oriented development in the area.
- **Minimum Operating Segment (MOS)**, (City comment No. 2)
Significant parking impacts could occur at the Montague/Capitol station should the MOS still be in place past 2015. The DEIS/EIR states there will not be any parking impacts to the Capitol/Montague station in year 2015, because the station will be built to 2025 demand. A detailed year 2025 parking analysis under MOS conditions should be prepared analyzing "worst case" to verify that there will be adequate parking should the Berryessa Station be delayed beyond 2015.

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- **Visual Quality and Aesthetics** (City comment No. 36)
The aerial option at Dixon Landing Road, will have significant and unmitigatable impacts on the aesthetics of the area and on views of Mission Peak and the Diablo Hills. Further analysis of these impacts needs to be provided.

The City's specific comments on the DEIS/EIR are as follows:

CHAPTER 1.0 EXECUTIVE SUMMARY

1. Section 1.5, *Impacts, Design Requirements/ Best Management Practices and Proposed Mitigation of SVRTC Alternatives* - Table 1.5.1
The BART Alternative would impact the existing floodplain/flood path and detention pond at Curtis Avenue. The DEIS/EIR should discuss the impacts to the detention pond and provide mitigation for loss of the detention pond located behind the Parc Metropolitan Development.
2. Section 1.6.3, *Minimum Operating Segment Scenarios*
Significant parking impacts could occur at the Montague/Capitol station should the MOS still be in place past 2015. The DEIS/EIR states, without supporting data and analysis, that there will not be any parking impacts to the Capitol/Montague station in year 2015, because the station will be built to 2025 demand. A detailed year 2025 parking analysis under MOS conditions should be prepared analyzing "worst case" to verify that there will be adequate parking should the Berryessa Station be delayed beyond 2015. The DEIS/EIR and site plan should be revised to reflect this situation and subsequent impacts on the ability to comply with TOD and smart growth principles of VTA's Best Practices Manual for the land area within a one-half mile radius of the station. Lessons have been learned from poorly designed BART stations in terms of parking in El Cerrito and Dublin/ Pleasanton. Those parking impacts are not addressed in the Milpitas stations.

CHAPTER 3.0 ALTERNATIVES

3. Section 3.2.2.2, *Regional Transportation Plan Improvements through 2025*
Table 3.2-4 references a "no action highway network" assumed by year 2025. Item No.13 in that table indicates the grade separation of Montague/Expressway/Capitol Avenue as a base assumption. Yet on page 4.2-36 the document states that the Montague Expressway/Great Mall Parkway (same intersection) will operate at an unacceptable level of service. The analysis is inconsistent and does not recognize that by 2025 the intersection is planned to be modified with a grade separation.
4. Section 3.4.1.1, *Segment 1 Planned BART Warm Springs to Trade Zone Boulevard, Alignment*
Milpitas does not support the aerial option for the Dixon Landing Road alignment. The aerial option results in significant environmental impacts, including noise, vibration, and aesthetics, to residents and businesses in the area that cannot be mitigated. Additionally, the noise impacts of the above grade option would

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invalidate millions of dollars already invested by the City for soundwalls. Further analysis is needed to thoroughly evaluate the two non-aerial options.

The document should further consider the location of the sound wall to mitigate the noise and vibration impacts of the aerial option. The aerial alignment option should extend the soundwall to the south to mitigate potentially significant noise impacts to the adjacent mobile home parks inhabited by sensitive receptors (young and elderly populations) to the east. The City questions the conclusions of the DEIS/DEIR on noise impacts of the aerial option at Dixon Landing Road.

Further information and analysis is necessary to evaluate the two non-aerial options. A matrix format explaining the advantages and disadvantages of each alternative's impacts is needed. Given the information provided at this time, the City prefers the at-grade option with a design speed of 35 miles per hour if access to surrounding properties can be adequately addressed. This may be accomplished by raising the grade of the railroad and BART by several feet. Also, for the At-Grade option, the clearance should be at least 16.5' to account for future resurfacing.

5. Section 3.6.4, *Parc Metropolitan Parkland Avoidance Design Option*

The last paragraph makes reference to Appendix C in discussing options to mitigate the impact to the proposed park at the end of Curtis. Appendix C does not contain any discussion of this issue. The correct cross-reference may be Section 7.6.3.1 (p. 7.6-15).

6. Section 3.7.2, *Water Resources Related Projects*

The Berryessa Creek Flood Protection Project should be included in this section. This proposed project by the Santa Clara Valley Water District (SCVWD) may include the widening and raising of the railroad crossing at the Jacklin/Abel overpass.

The City recently revised the location of a well to accommodate the BART alignment north of Montague by Curtis Avenue. Therefore, the BART alternative will not affect the ultimate location of the City well and pump facility. Fig. 7.5-1 should be revised to show the correct well and pump house location within the dedicated park.

CHAPTER 4.0 ENVIRONMENTAL ANALYSIS

4.2 TRANSPORTATION & TRANSIT

7. 4.2.3.3, *Projected Rail and Bus Patronage in the Corridor*

Table 4-2.8 needs additional explanation and sources of estimates need to be stated. The mode share percentages drive the rest of the traffic analysis. It is difficult to understand how the park-n-ride percentage could be less than half any other station except Santa Clara.

8. 4.2.5.1, *Existing Conditions*

The document refers to Escuela Road. The word Road should be changed to

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“Parkway”.

9. *4.2.6.4 2025, No- Action Alternative Street and Highway Conditions*
Table 4.2-20 summarizes the year 2025 “No action” intersection level of service by station, but does not identify improvements or which particular intersections were improved. The mitigation measure for the Montague Expressway/Milpitas Boulevard intersection stated there were no feasible improvements beyond what was identified in the year 2025 “No action” mitigation measures. Though Table 4.2-20 is a summary, the year 2025 “No action” improvements should be provided.
10. *4.2.6.6, BART Alternative Traffic Level of Service, Impacts, and Mitigation Measures*
The DEIS/EIR identifies a number of unmitigable impacts to various Milpitas intersections under both the two station and the one-station scenarios. The consistently identified reason that these impacts are analyzed as unmitigable is that there are no feasible mitigation measures due to “right-of-way constraints.” The DEIS/EIR should identify what the constraints are (i.e., physical or financial constraints). Further, the DEIS/EIR should identify whether these constraints would render infeasible any mitigation measures, or whether there may be some mitigation measures that are feasible, and would reduce the impacts, even though this reduction may not rise to the level of rendering the impact less than significant.
11. Page 4.2-36 lists the intersection of Abel Street/Capitol Avenue as an impacted intersection. It is incorrectly shown as a four-way intersection though the existing intersection is a “T” design of Abel Street and Capitol Avenue.
12. Page 4.2-37 lists impacts and mitigation for the Calaveras Boulevard/Park Victoria Drive intersection. The traffic analysis shows an increase from 196 southbound left turning vehicles under existing conditions to 550 in year 2025 during the PM peak hour. The mitigation measure is to add one southbound left turn lane for a total of two. This increase is erroneous and should be recalculated. There is little, if any, growth projected to occur east of Park Victoria Drive.
13. Page 4.2-37 refers to impacts at the North Milpitas Boulevard/Jacklin Road intersection. The traffic analysis states that southbound PM peak hour left turns will increase from 316 under existing conditions to 641 under year 2025 conditions. This increase seems extraordinarily high. The DEIS/EIR states there are no feasible mitigation measures. However, City staff believes there are feasible geometric changes that will improve the traffic flows at this location. The east-west approaches are split phased, which could potentially be reconfigured to accommodate full phasing. Also, there is the possibility of constructing a second southbound left turn lane, as needed, in the future.
14. The DEIS/EIR contains tables summarizing freeway speeds and segment levels of service. *Similar tables for all signalized intersections should be included.* The tables should include existing delay and level of service as well as year 2025 “No

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action”, “Baseline” and “Build” alternatives.

15. The DEIS/EIR states in several sections that there are no feasible improvements beyond what is planned at impacted intersections along Montague Expressway. A potential alternative mitigation could contribute towards under funded projects to improve traffic flow along Montague Expressway (i.e., grade separations at Great Mall Parkway-Capitol Avenue, McCarthy Boulevard-O’Toole and Trimble Road).
16. Section 4.2.6.6 (Pages 4.2-36 to 39 and Table 6.2-2)
Specific comments for the impacted intersections within Milpitas for which mitigation is deemed infeasible are:
 - Calaveras Blvd./Abel Street (With South Calaveras Station only): The document should address the need for a southbound free right turn lane for mitigation at this intersection. The City and VTA’s county-wide top priority for local streets and roads for VTP 2030 includes the widening of Calaveras Blvd. in this area. If the future BART Calaveras station is built, the project should contribute to the Calaveras widening project.
 - Calaveras Blvd./Milpitas Blvd. (With Calaveras Station only): Third northbound and eastbound lanes are recommended as mitigation measures but may be infeasible. However, contribution to the planned widening of the Calaveras Blvd. overpass should be a mitigation.
 - Milpitas Blvd./Jacklin Road: A second southbound left turn lane appears to be feasible and should be addressed in the document.
 - Montague Expressway/Milpitas Blvd.: Further analysis should be performed to determine whether any feasible mitigation is possible at this location.
 - Great Mall Parkway/Abel: An additional right turn lane appears to be possible mitigation and should be addressed in the document.
 - Landess Ave./Dempsey Rd.: A fourth eastbound lane is considered an infeasible mitigation measure. The reason it is considered infeasible should be clarified. Other possible mitigation measures should also be addressed.
17. The DEIS/EIR should discuss the installation of high quality traffic signal interconnect as potential mitigation for those intersections which are noted to have no feasible mitigation measures. Adaptive traffic signal interconnect has been proven to reduce delays by 10 percent or more compared to time-of-day interconnect.

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18. The technical memorandum, which forms the basis for the conclusions regarding impacts and needed mitigations for this section, should be included with Appendices of the document. **Attachment A** contains Milpitas' comments to the Traffic Impact Analysis Technical Memorandum that should be addressed in the Final EIS/EIR.

4.12 LAND USE

19. 4.12.2.1 *Existing Setting*

Figure 4.12.2, page 4.12.3: South Calaveras (Future) Station Land Uses. If this figure is meant to describe existing land uses, rather than existing zoning, there are several items that must be corrected:

- The area east of Milpitas Boulevard and north of Calaveras Boulevard should be shown as PUBLIC/CIVIC/COMMUNITY CENTER only for the City Hall, Community Center and future Senior Center at the corner of Milpitas Boulevard and Calaveras Boulevard. The Town Center Shopping Center should be shown as General Commercial. The residential units at the north end of this area should be shown as MEDIUM-DENSITY RESIDENTIAL.
- The senior housing behind the Albertson's Market, west of Milpitas Boulevard and north of Calaveras Boulevard, should be shown as MEDIUM-DENSITY RESIDENTIAL.
- The area west of Milpitas Boulevard and south of Calaveras Boulevard should be shown as LIGHT INDUSTRIAL.
- The area between Abel Street and Railroad Avenue should be shown as MIXED USE-RESIDENTIAL/COMMERCIAL rather than HIGH-DENSITY RESIDENTIAL.

20. 4.12.2.2 *Regulatory Setting*

On page 4.12.2, the third sentence of paragraph "South Calaveras (Future) Station Area", should be updated to say: "The station area is surrounded by Light Industrial uses including the UPRR Milpitas Yard, and other industrial uses. A new senior housing complex and a new Library will be located to the Northwest. Low, Medium and High Density Residential uses are located to the west of Railroad Avenue and to the north of the Beresford Shopping Center. The new Milpitas City Hall, Community Hall, and future Senior Center are located to the northeast. A small area of undeveloped land is situated directly south of Calaveras Boulevard."

21. *Transit Oriented Design. Figures B-8 through B-16. Montague/Capitol BART Station*

The Montague station design should maximize TOD opportunities to most effectively use the public's capital investment in the BART extension and to implement the City's Midtown Plan. The city has worked with a consultant, to assist in this effort to identify design issues and areas of concern. In Appendix B, the

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station design figures for the Montague/Capitol station should facilitate implementation of the design principles in VTA's Best Practices Manual. The following negative design characteristics found in Appendix B should be addressed in the FEIS/EIR:

- a. Surface parking located closest to the station that minimizes TOD opportunities and increases the distance pedestrians must walk, rather than a compact station design utilizing structured parking;
- b. Lack of connection to the existing light rail though this is a multi-modal station;
- c. Creating additional pedestrian and vehicle conflicts by requiring pedestrians traveling from the station to the south parking area to cross a vehicular access road;
- d. Greater noise and visual impacts by separating the bus transit center from the rest of the station rather than consolidating it with a parking structure adjacent to Montague; and,
- e. Providing no pedestrian connectivity to the Great Mall and other adjacent land uses.

Milpitas developed an alternative design for the Montague/Capitol station as depicted in **Attachment B**. The plan will be further refined through a Transit Area Plan process that the City will initiate in the summer. The plan:

- a. Provides a parking structure adjacent to Montague and extending east to Gladding Court. This would minimize property acquisition south of the Milpitas Boulevard extension and east of Gladding court (other than the Milpitas Boulevard extension) and encourage the redevelopment of those properties;
- b. Provides a compact footprint that would encourage pedestrian and bicycle travel;
- c. Provides a more urban transit experience with a plaza and transit-related retail;
- d. Provides aerial walkways to the light rail station and adjacent land uses to the southwest;
- e. Optimizes connection to the Great Mall with walkway under Montague and a station entry north of Montague; and
- f. Provides a bus transit center under the parking structure adjacent to Montague.

The DEIS/EIR should consider the alternative Montague station design plan so the TOD potential of the area surrounding the station can be maximized.

4.13 NOISE AND VIBRATION

22. Table 4.13-12, *BART Alternative Noise Barrier Mitigation Treatment for Residential Areas*

The noise and vibration mitigation measures should be re-evaluated to ensure that

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the wall heights, lengths and placements are still valid after the elements of the alternative design plan for the Montague station, in city comment no. 21, are considered and incorporated into the project.

23. Figure 4.13a, b and c, *Noise and Vibration Mitigation Locations*
Only a portion of the mobile home parks are protected by the soundwall. Typically, the building construction of a mobile home allows more intrusion of noise than a standard residential dwelling. The noise analysis does not include the assumptions utilized to determine the noise reduction provided by the mobile homes. Additionally, the noise mitigation analysis should be revised to reflect comments 4, 21, 22 and 25. The placement, height and design of the soundwall should be revised to reflect this special type of use. In addition, the DEIS/EIR should consider other noise and vibration mitigation measures such as enhanced window glazing, special foundations, insulation, etc.
24. Section 4.13.4.2, *Existing Vibration Conditions*
On page 4.13-49 the discussion of Site SV1 states that Dixon Landing Road runs parallel to the BART alignment. Dixon Landing runs perpendicular to the BART alignment. In reviewing Figure 4.13-6, the reference to Dixon Landing may have been intended to be a reference to Calaveras.
25. The technical memorandum, which forms the basis for the conclusions regarding impacts and needed mitigations for this section, should be included with Appendices of the DEIS/EIR. **Attachment C** comments to the Noise and Vibration Technical Memorandum. Please respond to these issues raised by HMM.

4.14 SECURITY & SYSTEM SAFETY

26. The BART system has a full service Police Department that responds and handles crime for all their facilities. A maximum response time as well as scheduling should be coordinated with the City of Milpitas Police Department to actively patrol the facility with high visibility and frequency.
27. Since there is no BART police facility south of Hayward, a facility should be built close to or in the City of Milpitas. If a facility is created in the Milpitas area, the City should be closely involved in security design.
28. BART should use innovative safety technology such as communication devices, cameras, and lighting, to ensure safety in its facilities.

4.15 SOCIOECONOMICS

29. Section 4.15.3, *Impact Assessment and Mitigation Measures Impacts*
Pages 4.15-13 indicate the TPSS #3 Bulk Substation/Switching Station would remove 13 parking spaces from the Wrigley Creek Industrial Park. Approximately 75 spaces would remain. Building B of the Wrigley Creek Industrial Park requires 66 spaces as an office/warehouse use. A variance is not required unless the existing office/warehouse use is changed to a higher intensity use.

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30. *Spur Line Relocation*

Milpitas recommends that the Union Pacific spur line, located north of Montague Expressway, be abandoned rather than relocated as proposed in the DEIS/EIR. Essential services to existing spur line customers should be compensated. Abandonment of the spur line would significantly save project costs, avoid disruption to the public park and private properties, and support future development of surrounding properties.

Additionally, the spur line would remove driveways and 60 to 70 parking spaces behind Building B of the Milpitas Town Center Industrial Park (542-568 Gibraltar Drive). The site would be left with insufficient parking and no alternative parking options. To provide adequate setbacks required by BART, the spur line may even require the acquisition of Building B in its entirety. The relocation of the spur line in Milpitas would also limit the future redevelopment potential of this area.

The spur line relocation would require construction of a replacement drainage detention basin that would remove parking spaces from the Great Mall. A 20 foot take would remove approximately forty parking spaces at the north end of the parking lot. A mitigation measure should be included to address the loss of parking.

This spur line relocation would also take a portion of the future City park at the end of Curtis Avenue on the north side of the Parc Metropolitan subdivision. The DEIS/EIR, pages 7.6-15, proposes to implement one or a combination of four alternatives. The City proposes that VTA pay an in-lieu fee to Milpitas equivalent to the cost of the development of a replacement parkland area.

31. Milpitas supports relocating the railroad turnaround ("wye") outside Milpitas. The proposed relocation north of Montague Expressway would remove 50 to 60 parking spaces and all or part of an industrial building off Gibraltar Drive and would negatively impact potential existing and future transit oriented development in the area. Further, the location of the Traction Power Substation and Train Control Building just north of Montague should be moved so as not to be in conflict with future development in the area--possibly over the BART retained cut.

4.16 UTILITIES

32. The DEIS/EIR should include the following information:
- Assurance that improvements at the proposed park on the north side of the Parc Metropolitan Subdivision will not impact the ability of the future public well to meet State guidelines for municipal service.
 - Permits may be needed from San Francisco Public Utility Commission for crossing the Hetch Hetchy pipeline.
 - A description of how garbage and recycling services at stations will be managed.
 - A discussion of whether stations will have water and sewer connections with

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a description of sources (SFPUC or SCVWD). Milpitas utility engineering staff should be consulted.

- New landscaping, within 1000 feet of either side of Curtis Avenue, shall be irrigated with recycled water.
- New landscaping shall meet City water conservation requirements (Ordinance 238).
- Sanitary wastewater discharge during construction and/or any permanent connections shall be subject to permit by the San Jose/Santa Clara Water Pollution Control Plant.
- Stormwater NPDES permit C3 requirements must be met. Milpitas Stormwater C.3 Guidebook criteria should be used to comply.

4.17 VISUAL QUALITY & AESTHETICS

33. *Dixon Landing aerial option*

The aerial option at Dixon Landing Road, will have significant and unmitigatable impacts on the aesthetics of the area and on views of Mission Peak and the Diablo Hills. Additionally, the Dixon Landing Road/I-880 interchange is a key entry point to the City of Milpitas. The first impression on arriving to Milpitas at that gateway should be the beauty of the foothills and not an aerial structure. Further analysis of these impacts needs to be provided.

34. *Montague/Capitol BART Station design (Figure 4.17-22).*

It is acknowledged that the elevation shown in Figure 4.17-22 is preliminary. However, it can be used as a beginning point for discussions about station design. Milpitas encourages positive design elements, such as a sense of openness and use of glass modeled after the new Milpitas city hall.

The station is an important multi-modal facility that integrates BART, light rail, busses, automobiles, bicycles, and pedestrian traffic. It should be designed as a regional transportation hub that integrates all of its functions seamlessly and attractively. With this in mind, future station renditions should consider the following:

- **Visual interest.** The overall design should be interesting and incorporate public art and/or elements related to Milpitas' surroundings and context such as the hills to the east.
- **Industrial tech design.** The overall design has an industrial-tech aspect to it which is part of the Milpitas fabric, but as presented, is cold and uninviting. Colors, textures and warm materials should be incorporated into the design.
- **Cookie-cutter round rotunda.** The rotunda similarly is cold and uninviting. The entry should be an inviting, warm space that welcomes and integrates passengers using BART, light rail, busses, automobiles and bicycles.
- **Parking garage.** The parking garage should be integrated into the design rather than an unrelated stand-alone structure. The parking garage should have an attractive street frontage and be attractive to the commercial uses that will

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develop on surrounding properties to the north, east and south.

- **Transit-Oriented Design.** The design should incorporate commercial and civic uses and structures to provide for an attractive, vibrant TOD mixed-use station at the core of a Transit Area Plan and increase ridership potential. It should incorporate elements of the VTA's Best Practices Plan.
- **Connection to surrounding areas.** The station should provide for all modes of connections to surrounding residential uses, commercial uses and the Great Mall.

4.18 WATER RESOURCES, WATER QUALITY & FLOODPLAINS

35. Section 4.18.4.4, *Design Requirements and Best Management Practices*

The DEIS/EIR should evaluate the impacts to the project if construction starts prior to completion of the Santa Clara Valley Water District (SCVWD) and Corps of Engineers creek improvement projects. The DEIS/EIR should consider that flood hazards depicted on federal flood maps may not be eliminated before the BART project is completed.

36. Figure A-17, *Creek Crossing*

The DEIS/EIR should acknowledge that the crossing design must be consistent with SCVWD plans to enlarge the capacity of the creek. A bypass channel under the railroad or a straightening of the "S" Curve in the creek is being considered. The ability to perform this portion of the creek modifications will be very important in developing a cost effective and environmentally prudent project.

4.19 CONSTRUCTION

37. More specific information should be provided regarding the timing and duration of the potential closure of Dixon Landing Road during construction (page 4.19-30). For instance, is a shorter closure of Dixon Landing Road possible in the order of three to four months and what advantages and disadvantages does that entail? The pros and cons of this possible construction scenario should be compared for each option – including impacts on the residential and business community.

The following information should be included in the FEIS/EIR:

- Construction and demolition (C&D) materials should be recycled as much as possible instead of advisory disposal at the landfill. A demolition recycling plan, including materials to be salvaged, how materials will be processed, intended locations for reuse, and quantity estimates in tons (both recyclable and landfill disposal) must be submitted in accordance with the City's Demolition Recycling Report Process guidelines.
- Recycled water must be used for dust control.
- Groundwater from dewatering must be captured and tested prior to discharge (in accordance with City and State requirements).
- The condition of local road pavement should be assessed prior to construction to

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- document damage due to heavy construction traffic.
- The DEIS/EIR should discuss the impact of construction trucks and material deliveries
- Affected users should be notified prior to any utility shutdowns.

The DEIS/EIR should address the issue of worker safety (as required by Cal OSHA) to educate and protect employees working on site who may be in contact with contaminated water and/or soils.

CHAPTER 7.0 DRAFT SECTION 4(f) EVALUATION

38. Section 7.4.1, *Parc Metropolitan Development Parkland*
The description of the park is inaccurate; it is not an "L" shaped parcel. The City well and pump house should be shown within the dedicated park.
39. Section 7.6.2 should be expanded to include, as a way to avoid the taking of public parkland at Curtis Ave. (and also the private park/detention basin and Great Mall property to the south), that consideration should be given to abandoning the spur lines entirely. This action would require adequate replacement of the service to existing customers along the lines to the east. It also has the potential to be a very cost efficient alternative.

NO COMMENT

40. The City does not have comments for the following environmental impacts reviewed in the report
- 4.3 AIR QUALITY
 - 4.4 BIOLOGICAL RESOURCES
 - 4.5 COMMUNITY SERVICES & FACILITIES
 - 4.6 CULTURAL & HISTORIC RESOURCES
 - 4.7 ELECTROMAGNETIC FIELDS
 - 4.8 ENERGY
 - 4.9 ENVIRONMENTAL JUSTICE
 - 4.10 GEOLOGY, SOILS & SEISMICITY
 - 4.11 HAZARDOUS WASTE

The Milpitas City Council reviewed and approved the previous comments on the DEIS/EIR. The City looks forward to continuing to work on the BART extension project and is committed to supporting the project through appropriate land use planning and capital project endeavors.

If you have any questions or concerns regarding our comments, please contact Joe Oliva 408-586-3290.

Sincerely,

DRAFT

- Jose Esteves
Mayor

Attachments:

- A. Comments on the Traffic Impact Analysis Technical Memorandum
- B. Alternative Montague/Capitol station design
- C. Comments on the Noise and Vibration Technical Memorandum

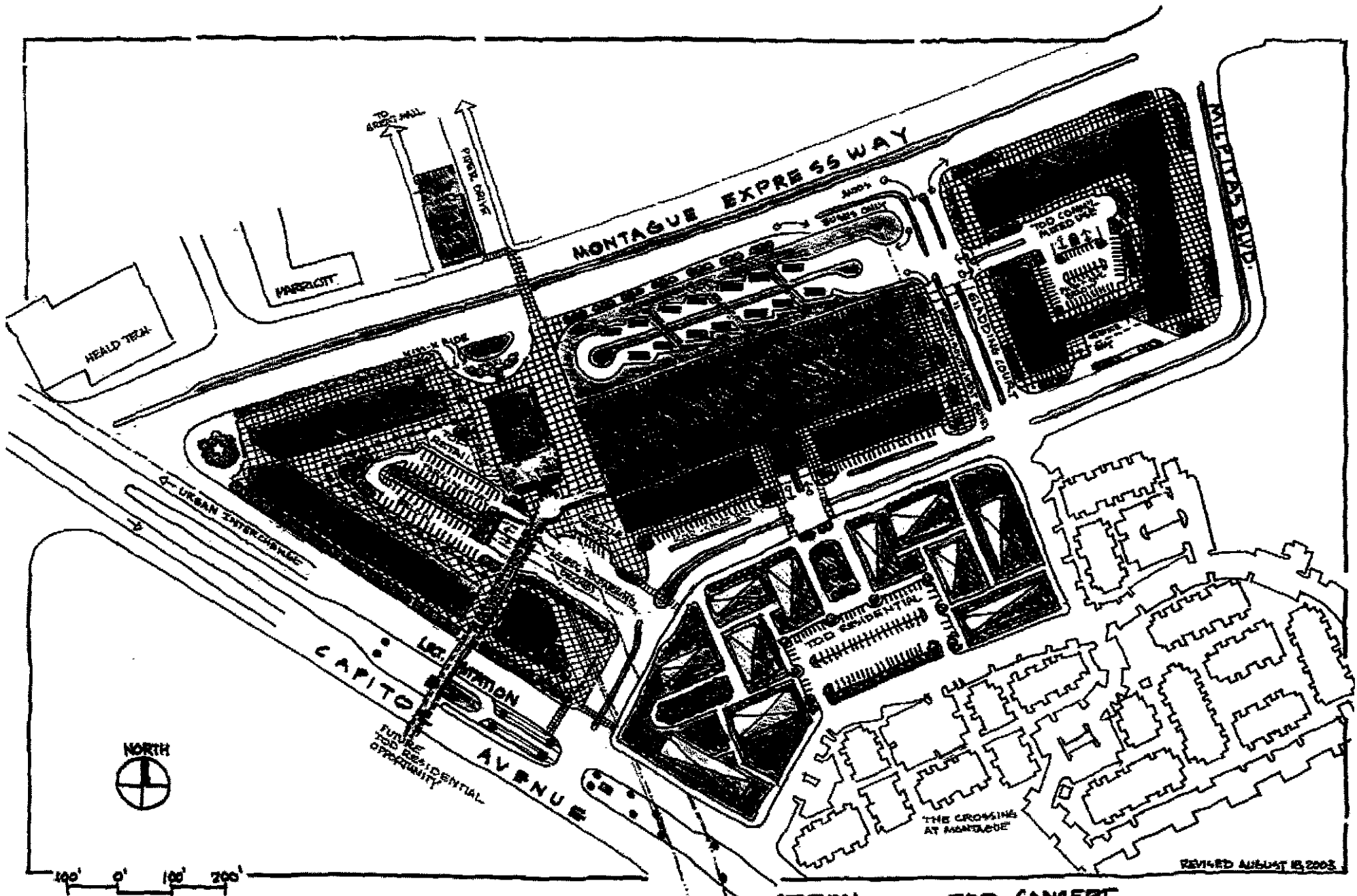
Cc: City Council
Planning Commission
BART Team

**Comments on the Technical Memorandum,
Milpitas Stations Traffic Impact Analysis
For SVRTC DEIS/EIR Alternatives**

April 23, 2004

The BART DEIS/EIR document is not adequately detailed for a full analysis, so the background Traffic Study by Hexagon dated May 2003 was also reviewed.

- ❖ Table 7 shows grade separation at Montague Expressway/Capitol. Several places in the text following this table show LOS F for the Great Mall Parkway/Montague intersection (same intersection). Need to revise the text and figures where these references are made, and possibly the LOS calculations and results for this intersection.
- ❖ The report states there is a proposed 1,500 stall parking lot. Comparing Table 4.2-7 in the BART DEIR, which shows 22,574 boardings and alighting, and Table 4.2-8 which shows 15% Park-n-ride percent, does not match. It is not clear if there are 200 stalls short of need, or if the difference can be explained by varying arrivals and departures throughout the day. More explanation is needed.
- ❖ Under trip generation, the text states 15% of daily trips occur in the AM peak, and this is the highest peak. Table 13 shows 16.5% in the AM peak; the inbound number is 15%. The PM peak is equal to the AM peak but reversed, not less than 15% as the text suggests. It appears the analysis is conservative. No response to this comment is required.
- ❖ Page 51 says 55% of trips would access the site from freeways but Figure 15 shows 70% using the freeways. It appears this is just a typo but it should be checked if it affects the analysis.
- ❖ The access analysis that starts on Page 78 needs to be greatly expanded. The Montague Expressway/Milpitas Bl/Access drive is shown with LOS F, yet there is no discussion of shifting primary access to Capitol. The alternative access at Gladding Court is mentioned but not discussed as a potential mitigation to the LOS F at Montague Expressway/Milpitas Bl/Access drive. The Capitol Ave/New Driveway LOS is not reported. The close spacing between the Capitol Ave/New Driveway and Capitol/Great Mall/Montague intersections needs to be discussed, especially if there may be grade separation of the Capitol/Great Mall/Montague intersection.



CITY OF MILPITAS - MONTAGUE/CAPITOL STATION

TOD CONCEPT

**Comments on the Technical Memorandum,
Noise and Vibration Impact Analysis for
SVRCT DEIR/EIS Alternatives
April 23, 2004**

The City of Milpitas has retained the services of RBF Consulting to perform a peer review of the *Noise and Vibration Impact Assessment for the Silicon Valley Rapid Transit Corridor* prepared by Harris Miller Miller and Hanson (HMMH). In addition to providing a peer review, RBF has conducted three short-term noise measurements to validate the accuracy of the measurements conducted by HMMH.

The overall analysis of the report is technically sound, and in most places follows the standard criteria and practices associated with acoustical impacted analyses for rail projects. However, there are a few areas that still require clarification or additional analysis. In an effort to prepare a concise review for the City, each comment is annotated and associated with a specific page number or impact area. The following are areas that require additional analysis:

Parking Areas:

1. There does not appear to be any analysis of parking lots or park-n-ride lots.

Grade Crossings:

2. There does not appear to be any analysis of train horns or crossing gates.

Bus Noise:

3. Page 37, Section 3.4 – *Noise Impact Assessment*, doesn't appear to include an analysis of bus noise at the station(s).
4. Page 73, Table 13 – *Summary of Residential Noise Impact Caused by Stations and Ancillary Facilities using FTA Criteria*, identifies impacts for buses at the stations. It isn't clear where this is discussed in the report.

Train Noise Projections:

5. Page 33, Section 3.3.2 – *BART Alternative Train Noise Projections*, doesn't appear to address train noise in the stations.
6. Pages 35 and 36, there is no information with which to verify the accuracy of Figures 6 – *Projected 24-Hour Noise Exposure From BART Operations*, Figure 7 – *Projected Peak Hour Noise Exposure From BART Operations* and Figure 8 – *Projected Maximum BART Noise Levels*.

7. Page 37, Section 3.4.1.1 – *New Starts Baseline Approach*, there doesn't appear to be any assessment of noise impacts relative to the Federal Highways Administration/Caltrans criteria.
8. In Table 11 - *Summary of BART Residential Noise Impact Without Mitigation Using FTA Criteria*, some or all of the FTA criteria appear to be incorrect based on the existing noise levels. The column headings under "Noise Level" are incorrect. They should be "Existing" and "Project" rather than "Impact" and "Severe". The project levels in Table 11 do not appear to correlate with Figure 6. Some are lower than would be predicted by Figure 6 (possibly because of unexplained barrier effects) and some are higher (for reasons unexplained).
9. There does not seem to be any obvious correlation between Table 11 and Table 12 - *Summary of BART Residential Noise Impact Without Mitigation Using BART Design Criteria*. Table 11 is based on Figure 6 plus some unknown factor (see Comment #12, above), and Table 12 is based on Figure 8. The curves in both figures are the same shape (up to a track distance of about 200 feet) and show train noise decaying at the same rate (i.e., 3 dB per doubling of distance). Therefore, one would expect the Project noise levels in Table 12 to be 16 dB higher than those in Table 11 (i.e. this is the difference between L_{max} and L_{dn} in the two figures). Yet this is frequently not the case throughout the report.
10. Page 67, under the heading "Kato Rd. to Dixon Landing Rd. (BART At Grade Option)," the number of impacted homes appears to be incorrect. The correct number appears to be 12, not 15.
11. Page 67, under the heading "Dixon Landing Rd. to Jurgens Dr. (BART Aerial Option)," the number of impacted homes appears to be incorrect. There appear to be 8, not 0, homes impacted under the BART Design Criteria.
12. Page 69, the L_{dn} 's for the substations do not appear to have been calculated properly. For example, for Substation Site #4 the 1-hour L_{eq} is $[99-20*\text{Log} (200/50)-35.6] = 51.4$ dBA using the formula from Page 36. Using the FTA guideline, the L_{dn} is $[10*\text{Log} ((15*\text{antilog}(51.4/10)+9*\text{antilog}((51.4+10)/10))/24] = 58$ dB. The report states 53 dB. If there are barrier or ground effects involved, they are not explained. Also, the report doesn't identify the existing ambient noise level so the assessed impact cannot be verified.
13. Page 69, the L_{max} 's for the substation do not appear to have been calculated using a reference level of 63 dBA at 50 feet, as specified in the FTA guide. For example, the L_{max} from Substation #4 should be 51 dBA not 48 dBA.
14. Page 70, the L_{dn} 's and L_{max} 's for the bulk substations do not appear to be calculated properly. Refer to Comments #11 and #18, above.

15. Page 72, the L_{dn} 's calculated for the vent shafts do not appear to be correct. Refer to Comment #17, above.
16. Page 72, the computations for L_{max} levels due to the vent shafts cannot be verified since a reference noise level is not provided in either the report or the FTA guide.
17. Page 72, no analysis is provided for the emergency generators, especially with regard to low frequency noise.
18. On Page 74, Section 3.4.2.8 – *Traffic Noise Impact Assessment*, the traffic analysis only appears to address project traffic on its own, without considering its contribution to the overall traffic noise levels in the area. That is, the project traffic by itself may not generate an L_{eq} of 67 dBA, but it may be sufficient to increase existing traffic noise to a level that approaches or exceeds 67 dBA.
19. On Page 84, in Section 4.1.3.1 – *Surface Vibration Tests Results*, the text doesn't appear to correlate with Figure 12 – *Site SV1 Surface Line Source Transfer Mobilities*, Figure 13 – *Site SV2 Surface Line Source Transfer Mobilities*, Figure 14 – *Site SV3 Surface Line Source Transfer Mobilities* and Figure 15 – *Site SV4 Surface Line Source Transfer Mobilities*.

NOISE MEASUREMENT VALIDATION

In order to validate the HMMH measurements taken by HMMH in the Milpitas area, RBF Consulting conducted noise measurements in April 9, 2004 (refer to Appendix A - *Noise Measurements*). The noise measurement sites were taken in three of the HMMH sites and are representative of typical existing noise exposure within and immediately adjacent to the Project site. Noise monitoring equipment used for the ambient noise survey consisted of a Larson Davis Laboratories Model LDL 820 sound level analyzer equipped with a Larson Davis random incidence Type 2561 microphone. The instrumentation was calibrated prior to use with a Larson Davis CAL250 acoustical calibrator to ensure the accuracy of the measurements, and complies with applicable requirements of the American National Standards Institute (ANSI) for Type I (precision) sound level meters. Based upon the results in Table 1 – *Noise Measurements*, it appears that the HMMH measurements are valid and comply with standard acoustical practices.

Table 1
NOISE MEASUREMENTS

Site	Location	Time ¹	RBF Leq	HMMH Leq	Difference (dBA Leq)
1	722 Main Street (HMMH Site LT6)	2:48 p.m.	49.0	50.1	1.1
2	186 Beresford Court (HMMH Site LT5)	2:05 p.m.	58.3	53.1	5.2 ²
3	231 Dixon landing Road (HMMH Site LT1)	12:18 p.m.	50.1	57.1	7.0 ³

Source: Noise Monitoring Survey conducted by RBF Consulting, April 9, 2004.

- 1 – The time given in this column is for the RBF measurement. The corresponding time for the HMMH measurement was gathered from the Technical report Appendix.
- 2 – There was construction activity occurring nearby Site 2 the day RBF conducted noise measurements. Thus, this measurement is could be higher than typical ambient conditions.
- 3 – The previous HMMH measurement from 11A to 12P was 50.7 dBA. Thus this measurement is within tolerances.